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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 RAJU T. DAHLSTROM,

8 Plaintiff,

9 v.

10 UNITED STATES OF AMERICA, *et al.*,

11 Defendants.
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Case No. C16-1874RSL

ORDER DENYING PLAINTIFF'S
MOTION FOR A RULE 56(d)
CONTINUANCE

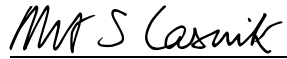
13 This matter comes before the Court on “Plaintiff’s Motion to Deny or Continue
14 Defendant Jack Warren Fiander, Pro se Motion to Dismiss Under Fed. R. Civ. P.
15 12(b)(6).” Dkt. # 57. In his motion to dismiss, Mr. Fiander challenges the adequacy of
16 plaintiff’s allegations regarding (a) the duties Mr. Fiander owed to tribal children, youth,
17 and families as an independent contractor and (b) Mr. Fiander’s alleged prosecution of
18 adverse employment actions against plaintiff. He specifically argues that plaintiff’s
19 allegations do not give fair notice of the claims against him or the grounds upon which
20 they rest. Dkt. # 57 at 4. Mr. Fiander also argues that plaintiff’s constitutional claims
21 under 42 U.S.C. § 1983 fail as a matter of law because he is not a state actor.

22 Plaintiff argues that a continuance is necessary so that he can “gather and present
23 evidence to prove his claims against Defendant Pro Se Jack Warran Fiander and justify his
24 opposition to motion to dismiss.” Dkt. # 57 at 4. At the motion to dismiss stage, plaintiff
25 need not provide evidence or otherwise prove his claims. A continuance for the purpose
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1 of conducting merits discovery is not, therefore, warranted. Nor has plaintiff explained
2 how discovery would aid him in meeting his pleading obligations under Twombly or in
3 responding to Mr. Fiander's state actor argument. The argument section of plaintiff's
4 motion was taken verbatim from a similar motion in which plaintiff sought a continuance
5 of the United States' motion to dismiss. With the exception of a clause at the very end of
6 the section, plaintiff does not even mention Mr. Fiander, much less explain why discovery
7 is needed in order to respond to his motion.

8 Plaintiff has not met his burden under Rule 56(d) of showing that discovery is
9 necessary to respond to Mr. Fiander's motion to dismiss. Plaintiff's response to the
10 motion is due as currently scheduled on February 5, 2018.

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12 Dated this 1st day of February, 2018.

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15 Robert S. Lasnik
16 United States District Judge
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